

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1			
2			
3	OLD DOMINION FREIGHT LINE, INC., a)	No. C-04-1781 SC	
4	Virginia corporation,)		
5	Plaintiff,)	ORDER DENYING MOTION	
6		TO ENFORCE SETTLEMENT	
7		<u>AGREEMENT</u>	
8	v.)		
9	JJ'S MAE, INC., dba JJ Mae Rainbeau)		
10	or Rainbeau, a California business)		
11	of unknown form, et al.)		
12	Defendants.)		
13			

Plaintiff asks the Court for an Order to enforce a settlement agreement.

According to Plaintiff Old Dominion ("Plaintiff"), it entered into a settlement agreement ("Settlement Agreement") with Defendant JJ's Mae, Inc., on JJ Mae's own behalf and on behalf of the remaining defendants, on March 18, 2005, which was endited and executed by the parties on May 4, 2005.

According to Plaintiff, it has received \$50,000.00 of the \$90,000.00 agreed to in the Settlement Agreement. However, Defendant JJ Mae's Inc., Plaintiff asserts, is behind on its payments. Plaintiff asks the Court to issue an Order awarding Plaintiff judgment against JJ Mae's Inc. for \$40,000.00, plus interest. Plaintiff also asks the Court to award Plaintiff judgment jointly and severally against the remaining defendants,

1 in an amount calculated pro-rata.¹

2 The Court will not issue such an Order. The Court's docket
3 is bare of a copy of the Settlement Agreement, much less any
4 evidence that the Court approved this agreement, or that the Court
5 should retain jurisdiction over this agreement, or that the case
6 against JJ Mae's Inc. and the remaining defendants was properly
7 dismissed. Plaintiff unhelpfully has appended an unsigned copy of
8 the Settlement Agreement, stating that the original cannot be
9 found owing to a recent change of offices. Because Plaintiff has
10 failed to comply with the procedural requirements outlined above,
11 the Court is not in a position to consider the merits of
12 Plaintiff's motion. Accordingly, the Court DENIES Plaintiff's
13 motion.

14 IT IS SO ORDERED.

15
16 Dated: March 6, 2006

17 
18 UNITED STATES DISTRICT JUDGE

19
20
21
22
23
24
25
26 ¹ Plaintiff also asks the Court to award judgment for
27 attorneys' fees and to issue an order allowing Plaintiff to bring a
28 claim against JJ Mae's Inc. in the full amount owed - some
\$109,962.16 - should JJ Mae's Inc. file for bankruptcy.